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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/673,113	09/25/2003	Jonas A. Navickas	NVCK-CHN1	9824
7590 05/12/2005 JONAS A. NAVICKAS 53-628 KAMEHAMEHA HWY. HAU'ULA, HI 96717			EXAMINER MOHANDESI, JILA M	
			ART UNIT 3728	PAPER NUMBER

DATE MAILED: 05/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/673,113

Applicant(s)

NAVICKAS, JONAS A.

Examiner

Jila M Mohandesi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Drawings*

1. The drawings were received on March 05, 2004. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because solid black shading is not permitted and the lines are not uniformly thick and well defined. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.
2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, "the perforated flap", "the loop", "an exterior pocket" and "insert in a sealed pouch" must be shown or the feature(s) canceled from the claims 9, 10, 17 and 18. No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for

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consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

3. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means", "**comprising**" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

### ***Claim Objections***

4. Claim 18 is objected to because of the following informalities: In claim 18, line 1, "and exterior" appears to be - - an exterior - -. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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6. Claims 11 and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 11, the phrase "the flexible coupling portion ..... is elongated to permit the elongated coupling portion to wrap around the coupling portion " is vague, indefinite and inaccurate. It is not clear what structure such language encompasses.

Claim 17 recites the limitation "the pouch mouth" and "the insert" in line 1. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claim 1,2, 8, 10, 11, 13, 15, 16, 19 and 20 is rejected under 35 U.S.C. 102(b) as being anticipated by Morton (Des. 336,367). Morton discloses a storage system, comprising: two or more pouches, joined sequentially pouch-lip to pouch lip by a flexible coupling portion, wherein each coupling portion flexes to permit manipulation of the joined set of pouches. See Figures 1-5 embodiments.

9. The s Claim 1,17, 19 and 20 is rejected under 35 U.S.C. 102(b) as being anticipated by Vogt (2,715,493). Vogt '493 discloses a storage system, comprising: two or more pouches, joined sequentially pouch-lip to pouch lip by a flexible coupling

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portion, wherein each coupling portion flexes to permit manipulation of the joined set of pouches. See Figures 1-5 embodiments.

The storage system is inherently capable of dispensing medication.

10. Claim 1, 2, 11, 12, 13, 15, 16, 19 and 20 is rejected under 35 U.S.C. 102(b) as being anticipated by Frankeny (6,419,082). Frankeny '082 discloses a storage system, comprising: two or more pouches, joined sequentially pouch-lip to pouch lip by a flexible coupling portion, wherein each coupling portion flexes to permit manipulation of the joined set of pouches. See Figures 1A-9B embodiments.

The storage system is inherently capable of dispensing medication.

With respect to claim 11, note the fastening means (latches 907 and 915) in Figures 9A and 9B embodiments.

11. Claim 1-7, 11-16, and 18-20 is rejected under 35 U.S.C. 102(b) as being anticipated by Henkel (4,762,225). Henkel '225 discloses a storage system, comprising: two or more pouches, joined sequentially pouch-lip to pouch lip by a flexible coupling portion, wherein each coupling portion flexes to permit manipulation of the joined set of pouches. See Figures 1-15 embodiments.

The storage system is inherently capable of dispensing medication.

With respect to claim 11, note the fastening means (VELCRO 55 and 68) in Figure 12 embodiment.

With respect to claim 14, note air layers/cushions 32 and 34.

***Claim Rejections - 35 USC § 103***

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 3-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frankeny '082.

The product-by-process limitations in claims 4 and 5 results in no structure that is different from Frankeny '082.

With respect to the material of the pouches, it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. In re Leshin, 125 USPQ 416.

14. Claims 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Henkel '225 in view of Saetre et al. (4,502,596). Henkel '225 as described above discloses all the limitations of the claims except for means for hanging the storage system. Saetre '596 discloses a storage system with hanging means for convenient carrying and hanging of the storage system. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide hanging means to the storage system of Henkel '225 as taught by Saetre '596 for convenient carrying and hanging of the storage system.

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**Conclusion**

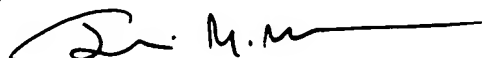
15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Shown are storage systems analogous to applicant's instant invention.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jila M Mohandesi whose telephone number is (571) 272-4558. The examiner can normally be reached on Monday-Friday 7:30-4:00 (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu can be reached on (571) 272-4562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**JILA M. MOHANDESI  
PRIMARY EXAMINER**



Jila M Mohandesi  
Primary Examiner  
Art Unit 3728

JMM  
May 10, 2005